

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ESSENCE FRANCIS

Plaintiff,

v.

**Case No. 2:23-cv-02658
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Chelsey M. Vascura**

CHERI FRENCH, *et al.*,

Defendants.

ORDER

This matter is before the Court on the November 20, 2023, Order and Report and Recommendation issued by the Magistrate Judge. (ECF No. 4.) The Magistrate Judge conducted an initial screen of Plaintiff's Complaint, as she must under 28 U.S.C. §1915(e)(2), and construed Plaintiff's Complaint as advancing the following claims: (1) racial discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* ("Title VII") against Defendant The Laurels of Athens, (2) violation of the Equal Pay Act against the Laurels, (3) unreasonable seizure or false arrest in violation of the Fourth Amendment under 42 U.S.C. § 1983 against the Defendant police officers, (4) failure to intervene to protect Plaintiff's constitutional rights under 42 U.S.C. § 1983 against the Defendant police officers, and (5) violations of criminal statutes 18 U.S.C. §§ 242 and 1513, against the Defendant police officers. (ECF No. 4, PageID 46.)

The Magistrate Judge recommended that the Court allow Plaintiff to proceed on her claim for discrimination on the basis of race under Title VII against the Laurels, and that Plaintiff's remaining claims be dismissed. (*Id.*, PageID 49.) Plaintiff also named as Defendants Layla Coll, Stephanie Cleland, and Cheri French, but failed to specify what claims she advanced

against them. (*Id.*) Accordingly, the Magistrate Judge also recommended that all claims against these remaining Defendants be dismissed. (*Id.*)

Plaintiff was advised of her right to object to the Order and Report and Recommendation and of the consequences of failing to do so (*id.* PageID 50), but did not file a timely objection.

The Court **ADOPTS** and **AFFIRMS** the Order and Report and Recommendation (ECF No. 4). Plaintiff **MAY PROCEED** on her Title VII race discrimination claim against the Laurels, but all remaining claims and Defendants are **DISMISSED** for failure to state a claim under § 1915(e)(2). The Clerk is **DIRECTED** to terminate all Defendants, except Defendant The Laurels of Athens. This case remains open.

As the Magistrate Judge states, if Plaintiff wishes to have the United States Marshal effect services of process over Defendant The Laurels of Athens as to her Title VII claim, Plaintiff is **DIRECTED** to submit a service of process by U.S. Marshal form (Form USM-285). Once the Clerk has received the required form, the Clerk is **DIRECTED** to issue the summons, and the United States Marshal is **DIRECTED** to serve by certified mail upon Defendant The Laurels of Athens the issued summons, a copy of the Complaint (ECF Nos. 6, 6-1), a copy of the Order and Report and Recommendation (ECF No. 4), and this Order (ECF No. 7).

IT IS SO ORDERED.

12/12/2023
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE